IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

Crl.MC.No. 2891 of 2007()

CRRP.98/2005 of I ADDL. SESSIONS COURT, PALAKKAD

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PETITIONER:

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1. B.MUHAMMED ALI,
   MAVELI CEMENTS PVT.LTD
   (FORMERLY SHALIMAR CEMENTS)
   5/138,PAR'S GARDEN,KADAKKANKUNNU,PALGHAT.

BY ADV. SRI.P.N.PURUSHOTHAMA KAIMAL

RESPONDENTS:

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1. STATE OF KERALA REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. DIVISIONAL FOREST OFFICER, PALAKKAD

3. FOREST RANGE OFFICER, VALAYAR.

BY PUBLIC PROSECUTOR ADV.SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18.09.07. THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C. No.2891 Of 2007

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Dated this the 18th day of September, 2007

ORDER

The petitioner is aggrieved by the condition imposed in Annexure 5 order passed by the learned Sessions Judge. In the said order passed under Sec.451 Cr.P.C, the petitioner's prayer for return of plant and machinery was allowed on executing a bond for Rs.5,00,000/- with two solvent sureties each in the like sum.

2. The learned counsel for the petitioner submits that the said condition is onerous. It is prayed that he may be permitted to execute a bond for Rs.10,00,00/- (Rupees ten lakhs only) with one surety.

3. The learned Public Prosecutor does not oppose the said request for modification and I am satisfied that the said request can be accepted.

4. In the result this petition is allowed. The order dated 4.8.07 in Criminal Revision Petition No. 157/2007 passed by the learned Sessions Judge, Palakkad shall stand modified to the above extent. All other conditions imposed shall remain in force.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE